

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BARBARA TURUNEN,
Plaintiff,

No. C 03-4862 MMC

ORDER OF DISMISSAL

v.

ELITE AUTO BODY & COLLISION
CENTER, et al.,

Defendants

The remaining parties hereto, by their counsel, having advised the Court that they have agreed to a settlement of this cause,

IT IS HEREBY ORDERED that plaintiff's claims against defendants, Elite Auto Body & Collision Center, Charles DiVincenzi Sr. and Charles DiVincenzi Jr., be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within ninety days, with proof of service of a copy thereon on opposing counsel, that the agreed consideration for said settlement has not been delivered over, the foregoing Order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial.

IT IS SO ORDERED.

Dated: April 20, 2005

/s/ Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge